

# Update on the Development of the Agricultural Lands Discharge Program

North Coast Regional Water Quality Control Board  
October 4, 2012, Yreka  
Item 5



# Introduction

- Update on development of Agricultural Lands Discharge Program
- Program intended to address impacts to water quality from agricultural lands in the North Coast Region
- Stakeholder process to develop Program has been underway since December 2011
- Last Board update in January 2012

# Presentation Overview

- Purpose of program and goals
- Stakeholder Advisory Group process to date
- Draft program scope and framework
- Next steps and schedule

# Purpose of Program

- Protect and improve water quality through implementation of management practices
- Meet mandates of California Water Code and Federal Clean Water Act
- Provide regulatory coverage for discharges of waste through a conditional waiver
- Meet State Nonpoint Source Policy direction to address nonpoint source land uses including agriculture

# Main Authorities for Program

- **CWC 13260** – requires any person discharging waste that could affect waters of the state to file a Report of Waste Discharge
- **CWC 13263** – requires Regional Water Board to adopt Waste Discharge Requirements (WDRs) for discharges if not otherwise waived
- **CWC 13269** – provides for conditional waiver of WDRs if waiver is in the public interest
- **CWC 13267** – Executive Officer may request technical reports describing waste discharges and means of control (basis for monitoring and reporting program)

# Scope of Program (general)

- Covers discharges of waste to waters of the state and other controllable water quality factors
- Scope defined by type of agricultural operation
- Does not include grazing on dry land
- Operations with no discharges of waste are out of scope

# Program Development Goals

- Develop program requirements that are reasonable to implement and protective of water quality
- Prioritize higher risks to water quality
- Recognize and support ongoing efforts to protect water quality
- No duplicative regulations and requirements
- Work with existing programs and other agencies
- Provide feedback to Regional Water Board

# Stakeholder Advisory Group

- Provides input to Regional Board staff during development
- First meeting in December 2011
- Group meets as full group and in four separate sub-regional groups (subgroups):
  1. Sonoma and Mendocino counties
  2. Humboldt, Del Norte, Trinity counties
  3. Scott/Shasta Basins and Upper mid-Klamath area
  4. Tule Lake area and Butte Valley



# Meetings to Date

Date	Full Group or Subgroups	Topics Discussed
December 2011	Full Group	<ul style="list-style-type: none"><li>• Introduction</li><li>• Initial Comments</li><li>• Advisory Group Charter</li></ul>
February 2012	Subgroups	<ul style="list-style-type: none"><li>• Introduction</li><li>• Initial comments on local issues</li></ul>
April 2012	Subgroups	<ul style="list-style-type: none"><li>• Introduce Scope and Framework</li></ul>
June 2012	Full Group	<ul style="list-style-type: none"><li>• Finalize Draft Scope and Framework</li></ul>

# Scope of Program (detailed)

- Agricultural Operations in scope include:
  - Row Crops
  - Vineyards
  - Orchards
  - Pasture and forage crops that discharge tailwater
  - Medicinal marijuana
  - Wholesale nurseries and greenhouses
- Scope includes production lands and associated facilities and activities that take place on them

# Out of Scope

- Operations <5 acres
- Future Farmers of America projects
- 4H Club projects
- Academic research projects
- Dryland grazing operations
- Pasture and forage crops without a tailwater discharge
- Medicinal marijuana operation less than a certain size TBD

# Waste Discharges within Scope

- Sediment
- Nutrients
- Pathogens
- Pesticides
- Organic matter
- Fertilizer
- Impacts to riparian areas and other controllable water quality factors

# Types of Agricultural Runoff that May Contain Waste

- Tailwater
- Stormwater
- Road runoff
- Subsurface drainage water
- Tile drainwater
- Frost protection water
- Infiltration to groundwater

# Program Framework

Operations are categorized into tiers based on inherent risk to water quality and/or level of assurance provided.

## PROGRAM TIERS

### Tier 1 – Conditional Waiver

- Low Risk Category
- Water Quality Stewardship Category

### Tier 2 – Conditional Waiver

- for operations that don't meet Tier 1 criteria

### Tier 3 – Individual WDRs

## Program Features

- Requires implementation of management practices selected by the operator
- All tiers must meet same water quality related performance standards
- Tier 1 - fewer monitoring and reporting requirements and lower inspection priority

# Tier 1 – Low Risk

- Eligibility criteria based on inherent risks to water quality
  - No surface water runoff except for stormwater
  - No use of certain pesticides
  - Minimal discharge of road runoff directly to surface waters
  - Less than certain slope
  - Riparian areas protected
  - Buffers provided to filter runoff



# Tier 1 – Water Quality Stewardship

- Eligibility criteria based on verification of adequate water quality management
  - Water quality management plan approved by the EO
  - Implementation of appropriate management practices must be verified
- Planning options
  - Individual plan with options to use a provided template
  - Group plan
  - Third party certification program plan
- Third party programs may also be used to verify implementation

## Tier 2

- Operations that do not meet Tier 1 criteria
  - Do not meet criteria of the Low Risk Category
  - Plan not certified by Executive Officer
  - Management practices are not verified as having been implemented
- Develop water quality management plans
- Greater monitoring and reporting requirements
- Higher inspection priority

# Upcoming Stakeholder Subgroup Meetings

Subgroup	Date	Location
Sonoma/Mendocino	October 15	Santa Rosa
Humboldt/Del Norte/Trinity	October 18	Eureka
Tulelake/Butte Valley	October 23	Klamath Falls, OR
Scott/Shasta Basin and Upper Mid Klamath area	October 24	Yreka

# Next Steps

## Stakeholder Advisory Group Schedule

Date	Subgroup/Full Group	Topic
October 2012	Subgroup	Permit requirements and Water Quality Plan elements
January 2013	Subgroup	Monitoring and reporting
May 2013	Full Group	Full draft waiver
July 2013	Full Group	Revised draft waiver

## Regional Board Adoption Schedule

Date	Event
August 2013	Release public review draft – 30 days
December 2013	Regional Board hearing

# Contact Information

Ben Zabinsky

Bzabinsky@waterboards.ca.gov

707-576-6750

Program website

[http://www.waterboards.ca.gov/northcoast/  
water\\_issues/programs/agricultural\\_lands/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/)

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